

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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SUMMARY
PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
January 20, 2011
San Diego, California

I. PUBLIC MEETING

A. CALL TO ORDER AND INTRODUCTIONS

Chairman John MacLeod called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., January 20, 2011, in Room 358 of the County Administration Center, San Diego California.

ATTENDANCE

Board Members Present

John MacLeod
Bill Jackson
Jack Kastorff
Hank McDermott
Guy Prescott
Dave Thomas
Willie Washington

Board Members Absent

Board Staff

Marley Hart, Executive Officer
Mike Manieri, Principal Safety Engineer
Tom Mitchell, Senior Safety Engineer
Conrad Tolson, Senior Safety Engineer
David Beales, Legal Counsel
Bernie Osburn, Staff Services Analyst
Chris Witte, Executive Secretary

Division of Occupational Safety and Health

Len Welsh, Chief

Others present

Chris Walker, SMACNA
Joseph Sherrill, JES Investments
Ralph Armstrong, IBEW Local 1245
Tommy Naylor, BP

Jon Brown, BP
Larry Pena, So Cal. Edison
Ron Cochran, IBEW Local 1245
Greg McClelland, Western Steel Council

Mark Stone, Epic Insurance Brokers
Ricardo Beas, Paychex
Kevin Thompson, Cal-OSHA Reporter
J.M. MacDonald, Pacific Maritime Assn.
Terry Thedell, SDG&E
George Bone, SASCO
Barry Russell, BNSF Railway
Jodie Deller, CalTrans
Jerry Shupe, Hensel Phillips Constr.
Hana Hsao, University of San Diego
Bob Hornauer, NCCCO
Tom Ren, Trench Shoring
Terence Finnegan, LMSSC
Leland Gong, LADWP
Jim Phillips, OECP
Scott Wilson, BP West Coast Products
Tiffany Evans, Vertical Trans. Systems
Louis Renner, PG&E
Lee Steinberg, MCOG
Candice Violante, T.J. Cross Engineers
Pete Moellebernaz, U.S. Dept. of Labor
Kevin Bland, CFCA, RCA
Susan Doubrava, Helix Water Dist.
Robert Massey, General Dynamics
Phillip Yow, Cal-OSHA
Graham Peace, LADWP
Virginia Siegel, Onsite Health & Safety
Cait Casey, Aspen
Elizabeth Treanor, Phylmar Regulatory Roundtable

Jeff Gurican, Chevron
Russ McCrary, Iron Workers Comp. Program
Mike Hall, Pacific Maritime Association
Tim J. Podue, ILWU
Dick Roberts, Cal-OSHA
Allen Sloan, IBEW Local 11
Tomás Vargas, SDG&E
Jay Weir, AT&T
Marti Fisher, Cal Chamber
Kate Smiley, AGC
Gayle Reu, Trench Shoring
Buddy Burton, ASSE
Thomas Patzloff, LADWP
Charles Sparks, LADWP
Lee Lander, OECP
Bruce Wick, CalPASC
Earl Johnson, Vertical Trans. Systems
Michael Vlaming, Crane Owners Assn.
Steve Johnson, ARC-BAC
Dan Leacox, Greenberg Traurig
Chris Malicki, PSC
Shane Gusman, Broad & Gusman
Charles Thompson, INQUIPCO
Kengo Takahashi, Trench Shoring
Brad Walker, LADWP
Ken Erwin, IRWD
Jan Kraak, SOFF
Patrick Henning, Laborers Union

B.

OPENING COMMENTS

Chairman MacLeod indicated that this portion of the Board's meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code Section 142.2

Earl Johnson, a Qualified Elevator Inspector (QEI), asked whether there is a rulemaking proposal under development that would allow out-of-state private inspectors to perform elevator inspections in California, and if so, when that rulemaking proposal would be available for public comment. Mr. Beales responded that a rulemaking proposal regarding the use of a performance based code for elevators is being developed, but he was unsure whether that proposal would affect QEIs.

Mr. Welsh stated that the Division is doing the staff work on that proposal, which does not involve any new provisions about who would perform inspections. Rather, it would establish a different paradigm for deciding whether new technology is safe or not. Instead of adopting specific code requirements issue-by-issue, there would be accredited organizations to examine the technology and issue a statement indicating that that technology is safe, although the Division would still perform inspections.

C. ADJOURNMENT

Chairman MacLeod adjourned the public meeting at 10:09 a.m.

II. PUBLIC HEARING

A. PUBLIC HEARING ITEM

Chairman MacLeod called the Public Hearing of the Board to order at 10:09 a.m., January 20, 2011, in Room 358 of the County Administration Center, San Diego California.

Chairman MacLeod opened the Public Hearing and introduced the first item noticed for public hearing.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 10
Section 3380
**Personal Protective Devices—Hazard Assessment and
Equipment Selection (Horchner)**

Mr. Manieri summarized the history and purpose of the proposal and indicated that it was ready for the Board's consideration and the public's comment.

Marti Fisher of the California Chamber of Commerce, summarized written comments submitted by a coalition of contractors' associations, asking that equipment be assessed regarding job function rather than site.

Bruce Wick of the California Professional Association of Specialty Contractors spoke in support of Ms. Fisher's comments.

Chris Walker, on behalf of the California Association of Sheet Metal and Air Conditioning Contractors, summarized written comments submitted by a coalition of contractors' associations.

Mr. Prescott asked whether the proposal would apply to construction, based on his understanding that the current proposal is for the General Industry Safety Orders. He

stated that there are more specific but less stringent requirements for the construction industry in the Construction Safety Orders. Mr. Welsh responded that he is not aware of anything more specific to the construction industry, and as he reads the proposal, it would be applicable.

Mr. Prescott stated that the Federal standards do not apply to mining or construction, and he asked whether the proposal would apply to the construction industry in California despite the limitations of the Federal standard. Mr. Manieri responded that where there is not a more specific standard in the Construction Safety Orders, the Federal standard in the General Industry Safety Orders would take precedence.

Mr. Prescott expressed concern that if we are reaching farther than what the Federal standard intends, the Horcher process may not be appropriate. Mr. Beales stated that Board staff would review the proposal and respond to that concern at a later time prior to presenting the proposal for adoption.

Mr. McDermott asked whether “workplace” is defined in the standards to specify work location. Mr. Manieri responded in the negative.

Mr. McDermott stated that if the term “workplace” could be defined or construed to mean each and every workplace, this could be an impossible standard to utilize. He stated that he was involved in the development of the Federal standard, and his employer did not (inaudible).

Mr. Jackson stated that it is pretty clear in the Federal Register that Federal OSHA talked about examining injury statistics in the affected industries, meaning the industries to which this standard would apply, and there is a table in the Federal Register showing the cost analysis they performed. What is remarkable is that absent from those tables are the SIC Codes for construction and for mining. Federal OSHA did not intend to regulate anything except general industry in this standard. It puts the Board in a catch-22 in California because we are going considerably farther than Federal OSHA intended if we intend to apply this everywhere.

He stated that Section 1511 of the Construction Safety Orders already requires employers to make a job-site evaluation and determine what controls need to be in place to protect the employees, and that would apply for personal protective equipment (PPE) for construction. But the mine safety orders, as they are currently written, refer mine operators to the provisions of the General Industry Safety Orders for PPE. Thus, if we are in a position in which we are regulating by Horcher an industry that is not within the scope of the Federal OSHA rulemaking, we need to be careful about moving forward and be sure to examine what is supported in the Federal rulemaking.

Mr. Welsh stated that Mr. Jackson may be right, but we should think twice if we decide that we cannot “Horch” to be universally applicable, we may still want to think about a rulemaking process that does harmonize what we require in general

industry and what we require in other industries like construction and mining. He stated that there is a nice dovetail with already existing requirements in the Construction Safety Orders, so we could talk about job function as opposed to a site-by-site analysis.

Mr. Jackson stated that he wanted to ensure that when we get to the presumed adoption of the proposal the rulemaking record actually supports what we did, but if the rulemaking record does not say anything about construction or mining, we will be hard-pressed to justify regulating those industries without some financial background that indicates why this is the right thing to do.

Mr. McDermott stated that if we are required to do something because it is mandated by Federal OSHA to be at least as effective as, we should limit the scope of what we are requiring people to do to the bare minimum to match what would conform to the Federal standard and not explain what could be argued unreasonable requirement beyond the actual standard. If Federal OSHA only requires a written certification for general industry, then we should not go any further than that.

Chairman MacLeod then introduced the next item noticed for Public Hearing:

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 10
New Section 3380.1
**Employer Duty to Pay for Personal Safety Devices and
Safeguards**

Mr. Manieri summarized the history and purpose of the proposal and indicated that it was ready for the Board's consideration and the public's comment.

Mr. Wick stated that the exemptions in the Federal standard are important and should not be discarded. Employers should not have to pay for equipment for employees that want to use their own prescription safety eyewear or employees that lose or damage PPE multiple times.

The following commenters expressed agreement with the written comments of Cal Chamber and Mr. Wick:

- Chris Walker, SMACNA
- Jerry Shupe, Safety Director for Hensel
Phelps Construction
- Virginia Siegel, owner of Onsite Health &
Safety

- Michael Vlaming, representing the Crane Owners Association, NOAD Employers Association, and the Modular Installers Association

Mr. Thomas asked whether there is a reason that the Federal exemptions were not included in the State proposal. Mr. Beales stated that this is not a Horcher, but an APA compliant rulemaking, and the public hearing function in this type of rulemaking is to elicit comment from the public. Those comments will be responded to in writing as part of the documentation that goes to the Office of Administrative Law. It really is not a forum for asking and answering questions. Board members can ask their questions, but Mr. Beales would encourage staff not to respond today.

Mr. Thomas stated that he did not expect an answer today, but he would expect that the question would be answered at some point in the rulemaking process.

Mr. Prescott suggested that, based on the amount of comment and concern regarding the proposal, perhaps an advisory committee would be appropriate to ensure that everybody has the opportunity to voice their concerns. Mr. Manieri responded that it would be considered.

Chairman MacLeod then introduced the next item noticed for Public Hearing:

3. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7
Group 13
Cranes and Derricks (Horchner)

Mr. Manieri summarized the history and purpose of the proposal and indicated that it was ready for the Board's consideration and the public's comment. One issue is whether, under the Horcher process, this proposal should be limited to the Construction Safety Orders, noting that the Federal regulations are limited to construction. Consideration has been given to adding exemptions that would limit the scope of the proposal while leaving the proposal in the General Industry Safety Orders, terminating this rulemaking and initiating a non-Horchner rulemaking, and moving the present proposal to the Construction Safety Orders.

Elizabeth Treanor, Director of the Phylmar Regulatory Roundtable, read her written comments into the record.

Marti Fisher, from the California Chamber of Commerce, spoke on behalf of a coalition of employers and employer groups, summarized the coalition's written comments.

Larry Pena with Southern California Edison Company, summarized his written comments.

James MacDonald of the Pacific Maritime Association (PMA) stated that the variety of different industries and the different problems surface because of the different applications for cranes. PMA understands the legal duty to adopt the rulemaking within six months and that the Board elected to use the Horcher process, but the Horcher process is inapplicable if the intent or the result is an expanded rule. To the extent that the rule is intended to apply to non-construction industries, using the Horcher procedure violates the purpose of the Horcher process and deprives the non-construction industry employees of any meaningful ability to participate in the rulemaking process.

PMA believes that none of the new regulation should apply to marine terminals. The goal of the rulemaking was to put all the crane regulations into one horizontal standard. Layering new parts onto a horizontal standards leads to unpredictable results. Many of these problems can be avoided if the Board exempts the marine cargo handling industry from all of the new standards. The ASME ANSI B30.24-2008 standard for container cranes is not included in the current proposal. This standard specifically includes double cantilever gantry cranes, rail mounted, as well as the rubber-tired and rail gantry cranes used in the shipyard for handling containers. This is understandable because Federal OSHA was not looking at marine terminal operations, so they were not included in the Federal standard.

There is an exemption for the certification of crane operators under Section 5006.1, but that is not a big part of the new regulations for the marine cargo handling industry. There is no change to Article 14, which is the marine cargo handling industry vertical standard for marine terminal operators, nor is there is any change to Article 92, which refers to gantry cranes. The scope of Article 98 limits or defers to orders of a specific nature, and Article 14 is the order of specific nature for the marine cargo handling industry. However, a clear exemption is necessary to avoid problems.

The scope of Section 4884 is very broad and can be read to include the marine cargo handling industry, and the industry is not shielded from the training administration requirements in Section 4484.3. The signal person qualifications in Sections 5001, 5001.1, 5001.2, and 5001.3 are all new, and the marine cargo handling industry is not shielded from them. The overhead load requirements in Section 5002 would apply to the industry. There is great uncertainty in the application of the requirements for safety devices and aids for the marine cargo industry. Sections 5031 and 5036, which are the detailed, per-shift crane inspection requirements, would mean shutting down shipyard cranes for half a day in order to perform detailed inspections.

There are 17,000 longshore workers in California that could take a job on a marine terminal as a signal man under the dispatch procedures. Section 5002, regarding overhead loads, could mean that PMA would have to provide a signal man training and qualification program in order to have qualified riggers to rig containers when

they are being lifted by a crane. Bringing in those 17,000 longshore workers for a one-day training program would cost PMA \$4.05 million.

In addition, the proposal as written may require more than one signal person. Currently, there is one signal person on the apron where the containers are lifted, but that signal person cannot see the landing zone on the ship or below deck. It is not only ludicrous but extremely dangerous to place a signal person on the ship or below decks. Contracts between the International Longshore and Warehouse Union (ILWU) and PMA negotiate specific training and qualification of longshore workers, and those training and qualification requirements must be certified by the joint parties, not by a third party. A third-party evaluation of signal men, as well as the certification for crane operators, would present huge problems.

Section 5002, regarding overhead loads, could mean to PMA that they would have to have a qualified rigger to rig a container when it is being lifted by a crane. Bringing in 17,000 riggers for a one-day training for qualification, again, would cost PMA \$4.05 million.

California ports are in competition with ports in Canada, Mexico, the Pacific Northwest, and even the East Coast via the Panama Canal. Every layer of regulation increases costs to the California ports, and increased costs are going to drive cargo to other ports. California ports depend on discretionary cargo, which represents approximately 50% of the cargo coming into these ports. That cargo does not stay in California; it is placed on transcontinental railroad trains. That is all cargo that California ports stand to lose if they are priced out and cannot remain competitive.

Marine cranes are completely different from construction cranes. They are robustly designed with fixed travel and known operating envelopes. They are erected on permanent engineered operating sites with proper support. The cargo lifts are predictable and well-practiced. There are qualified, dedicated maintenance crews that conduct planned, proactive, and on-the-spot maintenance and repair to keep the cranes operating safely. Mr. MacDonald knows of no accident history or statistical data that would support any regulatory changes to the operation, maintenance, inspection, or training associated with these cranes.

Shane Gusman, on behalf of the ILWU, expressed support for Mr. MacDonald's remarks.

Kevin Bland, on behalf of the California Framing Contractors Association and the Residential Contractors Association, stated that, based on the comments already submitted, there is a great deal of concern with placing these provisions in the GISO. He also expressed concern regarding site deliveries and forklifts and forklift attachments. A drum hoist is an integral part of the unit, and it is considered a crane, and it falls under the proposal, which refers to a hoist or a hook. He questioned

whether attaching a hook to a forklift would then open it up to crane operator certification requirements.

Ralph Armstrong, with the International Brotherhood of Electrical Workers Local No. 445, stated that including boom-mounted personnel platforms in the scope and general requirements provisions of Section 5004 would create a hardship for electrical workers.

Mr. Walker, on behalf of the California Sheet Metal and Air Conditioning Contractors (SMACNA), stated that SMACNA contractors may require the use of a crane on the job site for either material deliveries or actual construction. Contractors generally own and operate a truck with a small, articulating knuckle-boom crane for delivery of materials to the job site. In larger construction settings, SMACNA contractors may rent or lease a larger crane to be used in the actual construction.

SMACNA asks that the use of small articulating cranes for delivery purposes be exempted from crane standards in California, as it is in the Federal standard. Mr. Walker also expressed concern regarding use of the term “controlling entity,” as SMACNA employees are usually employed as subcontractors on the job site.

He expressed further concern regarding specific qualification requirements for a qualified rigger, as identified in the proposal, asking that those qualification requirements be enumerated. SMACNA’s national organization has expressed an interest in seeing qualifications tailored to the size of the job.

Finally, he asked for clarification of the training qualification requirements for the signal persons. He stated that the Joint Apprenticeship Training Centers (JATCs) in the state are preparing themselves to comply with the Federal rule; they can provide services as qualified third-party evaluators, and SMACNA would like to ensure that California’s rule is very clear and will continue to allow JATCs to provide these training qualification services.

Greg McClelland, representing DCIW/CIEC Safety Institute, summarized his written comments.

Robert Massey, Safety Manager for General Dynamics NASSCO, summarized his written comments.

Michael Vlaming, on behalf of the Crane Owners Association, summarized his written comments, asking that the Board convene an advisory committee to provide comment on the ambiguous terms and to develop some clarity in terms of interpretation, application, and enforcement.

Steve Johnson with the Associated Roofing Contractors of the Bay Area Counties expressed support for Ms. Fisher’s written comments.

Scott Wilson from BP West Coast Products asked whether an employer's crane operator work with a rigging crew that may consist partly or completely of contracted qualified riggers and signal persons without violating the non-portability provision of the employer qualified evaluator requirement in Section 5001.3(b). He also asked whether there is a detailed definition of the difference between general industry and construction.

Jeff Gurican with the Central California Chapter of the Associated Building Contractors stated that he completely endorsed and supported the comments of the Phylmar Regulatory Roundtable, the California Chamber of Commerce, and others who had commented regarding moving the proposal from GISO to the Construction Safety Orders. Specifically, he expressed concern with the exemptions in Section 4884(c) regarding the extension or clarification of exemptions to similar language in Section 5006.1.

Lee Steinberg, representing the Mobile Crane Operators Group, stated that while the Federal standards permit employer and/or manufacturer procedures for assembly and disassembly of cranes, California does not permit employer procedures. When crane manufacturers create the manual for assembly and disassembly of cranes, it is a generic best case that may have represented the way the crane was assembled and disassembled on the manufacturer's deskpad, which has no resemblance whatsoever to a job site. Quite frequently, as a function of job site requirements, the precise and exact manufacturer procedure just does not work, so alternate procedures are commonly used. That does not mean that the employers are taking safety shortcuts in the assembly or disassembly of cranes; rather, the specific procedure that was written into the operators manual was written by the manufacturer and not by people that had to use the product on the job site.

In addition, the Federal standards cite warning labels and decals originally supplied with the equipment by the manufacturer or otherwise required under the standard. California's language adds the following language "...should it be ascertained that there is a durable rating chart visible to the operator covering the complete range of the certified agent's capacity ratings at all operating radii for all permissible boom lengths and jib lengths with alternate ratings for operational equipment affecting such ratings..." He opined that this is impractical for most new cranes. Older cranes actually have etched steel plates in the operator's cab with the required information. Newer cranes, however, all use electronically calculated load charts, and while there are load charts for some of those cranes, they are 8,000 to 10,000 pages. To put all of those pages in the operating cab would result in there not being room for the operator.

Mr. Steinberg expressed support for the previously made suggestion of convening an advisory committee meeting to discuss stakeholder concerns regarding the proposal.

Terry Finnegan stated that placing the Federal construction industry safety orders regarding cranes into the California general industry safety orders paints all cranes with a broad brush, and not all cranes are created equal. Permanently mounted cranes used in the maritime industry, for instance, do not present the same hazards as mobile cranes used in other industries. In addition, the inspection requirements in Section 5031 are skewed to mobile cranes as opposed to permanently mounted cranes.

Tom Reu, General Manager of Trench Shoring Company, stated that although stakeholders had no input in the Federal standards, he hopes that they will have some input about the California standards. Rules of the kind proposed here mean only one thing to small business—cost, cost, and more cost. He asked that Board staff review the comments that have been submitted and explore how the proposed standards will affect work in the field. He specifically mentioned the inspection requirements, the exemption for articulating cranes, and the convening of an advisory committee.

Chairman MacLeod thanked the participants for their comments and commended staff for the work done on the proposal. He then asked for Board discussion.

Mr. Prescott also thanked the participants for the wide variety of comments received, and he thanked the staff for recognizing that there were going to be concerns regarding the proposal and for presenting options for alternative approaches to the proposal. He stated that of the three options presented by Mr. Manieri, trying to “rescue” the proposal with exemptions for certain industries would be the worst alternative, as there likely would be exemptions to every provision in the proposal. The removal of this proposal from the Horcher process and re-doing it as a regular rulemaking is perhaps the best option for the regulated public, but it puts the Board in the position of not being in compliance with Federal regulations. Under those circumstances, the best option is to move the entire proposal into the Construction Safety Orders, adjusted to address the comments submitted, which removes the one size fits all aspect of the proposal. If in the future the proposal can be modified into a one size fits all, it can then go through the regular rulemaking process.

Mr. Jackson commended staff, stating that he had worked with them a little during the development of the proposal. He agreed with Mr. Prescott that the proposal should be moved from the General Industry Safety Orders to the Construction Safety Orders in order to meet federally mandated time constraints.

There was general agreement among the other Board members to pursue that course of action.

Chairman MacLeod asked whether the rulemaking proposal would still be a Horcher if it is relocated to the Construction Safety Orders. Mr. Manieri responded affirmatively. Mr. Manieri stated that the best idea would be to withdraw the proposal and place it in the Construction Safety Orders; staff can go back at a later time and integrate the

comments from the meeting and from the advisory committee into the General Industry Safety Orders, if necessary.

Chairman MacLeod asked Mr. Welsh whether the Division would approve of that course of action. Mr. Welsh replied affirmatively, stating that the Horcher process requires that the Board substantively copy the Federal standard, and it does not matter where in Title 8 the proposal is placed. He stated that once the proposal is adopted, if there are ambiguities, they can be resolved fairly easily.

Mr. Manieri cautioned that staff would ensure that there are no blatant reductions in safety over what is currently provided in the General Industry Safety Orders.

Chairman MacLeod asked Mr. Beales whether that can be done legally, so as not to be in violation of statute. Mr. Beales responded with words to the effect that moving the proposal to the Construction Safety Orders would conform with the Labor Code. Mr. Manieri, Mr. Tolson, and Division staff have already spent a tremendous amount of time figuring out where the Federal standard is more or less effective than the California standard. The Horcher process does not require that we sacrifice standards where California standards are safer than the Federal standards. The challenge now is to take the current proposal and tailor it just to construction.

B. ADJOURNMENT

Chairman MacLeod adjourned the Public Hearing at 12:25 p.m.

III. BUSINESS MEETING

Chairman MacLeod called the Business Meeting of the Board to order at 12:25 p.m., January 20, 2011, in Room 358 of the County Administration Center, San Diego California.

A. PROPOSED SAFETY ORDER FOR ADOPTION

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 7
Section 3328
Machinery and Equipment
(Heard at the November 18, 2010, Public Hearing)

Mr. Manieri summarized the history and purpose of the proposal and indicated that the proposal is now ready for the Board's adoption.

MOTION

A motion was made by Mr. Kastorff and seconded by Mr. Prescott that the Board adopt the proposal.

A roll call was taken, and all members voted “aye.” The motion passed.

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Mr. Beales stated that in accordance with action taken by the hearing panel before today’s Board meeting, the Board is requested to approve the proposed decisions as indicated on the consent calendar.

MOTION

A motion was made by Mr. Thomas and seconded by Mr. McDermott to adopt the consent calendar as proposed.

A roll call was taken, and all members voted “aye.” The motion passed.

C. OTHER

1. Legislative Update

Mr. Beales stated that there was no legislative update.

2. Executive Officer’s Report

Ms. Hart reviewed the Year in Review charts included in the Board packet and the Proposed 2011 Rulemaking Projects.

Chairman MacLeod asked whether the Division would be developing the rulemaking proposal regarding first aid for electrical workers. Ms. Hart responded in the negative, stating that it would be developed by Board staff, as it is more safety related. Mr. Manieri stated that because of the uniqueness of the exposure while providing first aid to electrical workers, it falls to Board staff.

Ms. Hart stated that Deborah Gold of the Division staff would provide an update at the March meeting regarding progress of advisory committee meetings regarding Petition 513 pertaining to the adult film industry. Ms. Hart further stated that Ms. Gold is planning another advisory committee meeting in Oakland early in February and a final wrap-up meeting in April or May.

Ms. Hart reminded Board members that it is an odd-numbered year, which means that the Board members need to complete an ethics training program. Mr. Beales will contact the Board members with instructions for completing that training.

3. Future Agenda Items

None identified.

D. CLOSED SESSSION

The Board discussed only the closed session item listed on the Agenda, and no action was taken during the closed session.

E. ADJOURNMENT

Chairman MacLeod adjourned the Business Meeting at 12:43 p.m.